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General Assembly

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United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea
Fifth meeting
7-11 June 2004

Format and annotated provisional agenda

1. Pursuant to General Assembly resolution 54/33 of 24 November 1999, the two co-chairpersons appointed by the President of the General Assembly shall elaborate, in consultation with delegations, a format for the discussions of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process) that best facilitates its work, in accordance with the rules of procedure and practices of the General Assembly. It is recalled that the General Assembly, in resolution 57/141 of 12 December 2002, extended the Consultative Process for a further period of three years.

2. On the basis of consultations with delegations and of an informal preparatory meeting held at United Nations Headquarters on 12 March 2004, the Co-Chairpersons, Ambassador Felipe H. Paolillo (Uruguay) and Mr. Philip D. Burgess (Australia), developed a format for the discussions at the fifth meeting of the Consultative Process (see annex I) and are proposing a provisional agenda for the meeting (see annex II).

3. The area of focus for the discussion panel "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction" is described in annex III. It is intended solely as a starting point for the discussions and to identify important issues that the discussion panel may choose to consider, particularly by reference to the annual reports of the Secretary-General on oceans and the law of the sea.

4. The meeting is invited to consider and adopt the provisional agenda.

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Annex I

Format for the fifth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Methods of work

1. The fifth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will work through plenary sessions and one discussion panel.

2. The plenary sessions will be open to participation by all those listed in paragraph 3 (a) of General Assembly resolution 54/33 of 24 November 1999. The discussion panel will also be open to participation by representatives of major groups, as identified in section III of Agenda 21 of the United Nations Conference on Environment and Development.[a]

3. Within the constraints of the available accommodation, such representatives of major groups and other observers will be free to attend the plenary sessions in accordance with established practice.

Agenda

4. The two co-chairpersons will propose to the fifth meeting a draft agenda setting out a proposed programme of work for the meeting and a timetable for plenary sessions and the discussion panel. The fifth meeting will consider such proposals and adopt its agenda and timetable accordingly.

Discussion panel

5. The area of focus of the discussion panel for the fifth meeting is "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction", as recommended by the General Assembly in resolution 58/240 of 23 December 2003. The co-chairpersons will invite no more than five persons entitled to participate in the discussion panel to launch the discussion at each session of the panel by making short presentations on questions relevant to its area of focus.

GMA international workshop

6. In accordance with General Assembly resolution 58/240, paragraph 64, time will be allocated during the fifth meeting of the Consultative Process to convene an international workshop on a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (GMA), with representatives from all interested parties. This workshop will consider and review a draft document detailing the scope, general framework and outline of the regular process, peer review, secretariat, capacity-building and funding. The revised document will then be finalized and adopted at an intergovernmental meeting in Reykjavik.

[a] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

Report of the fifth meeting

7. The report of the fifth meeting will consist of:

(a) Agreed recommendations to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea";

(b) A summary of discussions by the co-chairs of issues and ideas raised during the plenary sessions and the discussion panel;

(c) Additions or amendments to "Issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea" contained in Part C of the report of the Consultative Process on its fourth meeting (see A/58/95).

8. The co-chairpersons will present a draft of the agreed recommendations to the fifth meeting, as mentioned in paragraph 7 (a) above. There will be an opportunity during the last plenary session for discussion of the draft agreed recommendations in order to reach consensus.

9. An advance final version of the co-chairs' summary report, as mentioned in paragraph 7 (b) above, in English only, will be sent to the Permanent Missions to the United Nations in New York within two weeks of the end of the fifth meeting for comments of delegations.

10. The co-chairpersons will submit a final version of the report to the President of the General Assembly, incorporating such consensus as is reached on the recommendations to be suggested to the General Assembly and reflecting the comments made on the other components mentioned in paragraphs 7 (b) and (c). In addition, the advance, unedited version of the report (English only) will be posted on the web site of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los.

Annex II

Annotated provisional agenda for the fifth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Monday, 7 June 2004 **10 a.m.-1 p.m.**

First plenary session

Item 1. Opening of the fifth meeting

Item 2. Adoption of the agenda

1. The fifth meeting is invited to consider and, as appropriate, to approve the agenda for the fifth meeting.

Item 3. Outcome of the GMA Group of Experts' meeting

2. For the information of delegations and since the GMA international workshop is being held in conjunction with the Consultative Process, the meeting will receive an oral report on the outcome of the Group of Experts' meeting held in New York from 23 to 26 March 2004.

Item 4. Cooperation and coordination on ocean issues

3. In paragraph 69 of resolution 58/240 of 23 December 2003, the General Assembly reiterated the request it had made to the Secretary-General in paragraphs 63 and 64 of resolution 57/141 of 12 December 2002, to establish an effective, transparent and regular inter-agency coordination mechanism on oceans and coastal issues within the United Nations system, taking into account paragraph 49 of Part A of the report on the work of the Consultative Process at its third meeting (see A/57/80).

4. On 31 October 2003, the United Nations System Chief Executives Board for Coordination (CEB) endorsed the conclusions of the High Level Committee on Programmes to establish an Ocean and Coastal Areas Network, building on the former Subcommittee on Oceans and Coastal Areas. A task group headed by Mr. Patricio Bernal, Executive Secretary, Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), was requested to draw up the terms of reference and work programme for the Ocean and Coastal Areas Network for submission to the High Level Committee on Programmes. A member of the CEB secretariat and Mr. Bernal will be invited to provide information on recent developments regarding the Network.

5. Pursuant to General Assembly resolution 58/240, the relevant intergovernmental organizations, funds or programmes of the United Nations will be provided with an opportunity to present an update of relevant developments in relation to the areas of focus discussed at previous meetings.

Monday, 7 June 2004 **2.30-6 p.m.**

Discussion panel

New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction

6. A description of the area of focus for this discussion panel is contained in annex III.

Tuesday, 8 June 2004 **10 a.m.-1 p.m.**

GMA international workshop

7. Pursuant to General Assembly resolution 58/240, paragraph 64, the GMA international workshop will consider and review the draft document detailing the scope, general framework and outline of the regular process, peer review, secretariat, capacity-building and funding, which was discussed during the GMA Group of Experts' meeting in March 2004, as well as any comments relating thereto.

3-6 p.m.

Discussion panel (*continued*)

Wednesday, 9 June 2004 **10 a.m.-1 p.m.**

Discussion panel (*continued*)

3-6 p.m.

GMA international workshop (*continued*)

Thursday, 10 June 2004 **10 a.m.-1 p.m.**

Second plenary session

Item 5. General exchange of views on areas of concern and actions needed, including on issues discussed at previous meetings

8. Delegations are invited to address specifically the following questions:

(a) Where is there a need to improve coordination or cooperation at an intergovernmental or inter-agency level in relation to:

(i) Any of the subjects covered by the reports of the Secretary-General;

(ii) Issues common to more than one of those subjects; or

(iii) Obstacles to the implementation of international instruments in those subjects or to the realization of benefits flowing from such instruments;

(b) Which specific actions or solutions may be suggested to the General Assembly for consideration in order to help meet such needs?

3-6 p.m.

GMA international workshop (*continued*)

Friday, 11 June 2004 **10 a.m.-1 p.m.**

Third plenary session

Item 6. Identification of issues for further consideration

9. The meeting will be invited to suggest further issues that could benefit from attention in future work of the General Assembly. Such suggestions will be incorporated in the list contained in the report on the work of the Consultative Process at its fourth meeting (see A/58/95, Part C).

Item 7. Recommendations to be suggested to the General Assembly

10. The meeting will be invited to agree upon a draft text of recommendations to be suggested to the General Assembly for its consideration under its agenda item entitled "Oceans and the law of the sea" (see format in annex I).

3-6 p.m.

Fourth plenary session

Item 7 (continued)

Annex III

Discussion panel

New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction

Background information for the discussion panel may be found in past reports of the Secretary-General on oceans and the law of the sea on the web site of the Division for Ocean Affairs and the Law of the Sea (www.un.org/Dept/los). In addition, the following issues discussed in chapter IX, entitled "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction", in particular paragraphs 229 to 294, of the report of the Secretary-General on oceans and the law of the sea (A/59/62) could provide a source of information for dialogue during the discussion panel. The issues in chapter IX are not intended to be exhaustive, but could provide a basis for an informed debate.

Chapter IX. New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction

A. Conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction (A/59/62, paras. 229-266; see also chapter VIII, in particular paras. 218-228)

1. Description of the ecosystems on the deep seabed

   (Seamounts, cold and deep-water corals, hydrothermal vents, polymetallic nodules, cold seeps and pockmarks, gas hydrates) (A/59/62, paras. 233-244)

2. Threats to the ecosystems (A/59/62, paras. 245-249)

3. Legal framework for the conservation and management of biodiversity of the seabed beyond national jurisdiction (A/59/62, paras. 250-259)

4. Bioprospecting (A/59/62, paras. 260-262)

5. Work of the International Seabed Authority (A/59/62, paras. 263-265)

6. The challenge of conservation and management (A/59/62, para. 266)

B. Offshore energy generation

1. Wind farms (A/59/62, paras. 267-270)

2. Wave power (A/59/62, paras. 271-274)

3. Tidal power (A/59/62, paras. 275-277)

4. Nuclear power stations (A/59/62, paras. 278-280)

5. Ocean thermal energy conversion and desalination (A/59/62, paras. 281-285)

C. New minerals and gas hydrates (A/59/62, paras. 286-294)

Some possible issues for discussion and elaboration

- What is the state of our knowledge of the biodiversity of the seabed beyond areas of national jurisdiction? Are there further steps needed to be taken to collect and share this information?
- Does the existing international regime sufficiently address the conservation and management of biological diversity of the seabed in areas beyond national jurisdiction?
- What further international cooperation and coordination is required in relation to marine scientific research and related activities in areas beyond national jurisdiction, including the biodiversity of the seabed?
- Are there any new or additional forms of international cooperation or coordination required for the fair and equitable sharing of benefits arising out of the utilization of genetic resources on the seabed in areas beyond national jurisdiction?
- What are the emerging issues in relation to new sustainable uses of the oceans, for example, offshore energy generation, new mineral resources and gas hydrates?
- Are there other potential new uses of the oceans which we should consider?